

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

JAJ Ventures, A North Dakota Corporation,

Plaintiff,

vs.

Raymond Arjmand and Gateway Fashion Mall, LLC,

Defendants.

and

Gateway Fashion Mall, LLC,

Third-Party Plaintiff,

vs.

Matt Hill, individually and d/b/a Gelato d'Italia by Prairie Peddler,

Third-Party Defendant.

ORDER

Case No. 1:09-cv-037

On December 2, 2009, the court convened a hearing in the above-entitled action and 1:09-cv-057 to discuss whether the parties were willing to consolidate their respective claims into a single action. After some discussion, the court continued the hearing. On December 9, 2009, the court reconvened the hearing via telephone conference call. Thereafter the parties filed an amended complaint in above-entitled action as well as a stipulation for dismissal in Case No. 1:09-cv-057.

As the parties have effectively consolidated their claims into a single action, Plaintiffs'

Motion for Leave to File Amended Complaint (Docket No. 16) and Defendants' Motion to Dismiss (Docket No. 19) are denied without prejudice as being moot, with the parties retaining the right to make similar motions or raise similar defenses as the case progresses.

Dated this 21st day of June, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge